

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

CHARLOTTE FRANKLIN,

Plaintiff,

vs.

ROXANN H DIEFFENBACH,

Defendant.

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Case No. 1:24-cv-524

Judge Jeffery P. Hopkins

ORDER ADOPTING REPORT AND RECOMMENDATION

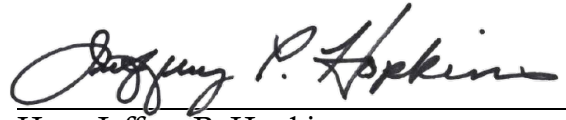
This matter is before the Court on the Report and Recommendation (Doc. 13) issued by Magistrate Judge Bowman on February 5, 2025. The Magistrate Judge recommends that Plaintiff's Motion for Leave to Appeal in forma pauperis (Doc. 12) be denied. No objections have been filed and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired.

The Court has carefully reviewed the findings and conclusions of the Magistrate Judge and agrees that the Motion (Doc. 12) filed by Plaintiff, Ms. Charlotte Franklin, must be denied. As the Report and Recommendation notes, this Court previously certified that Ms. Franklin's appeal of the dismissal of her complaint would not be taken in good faith and so denied her leave to appeal in forma pauperis. Doc. 7. Federal Rule of Appellate Procedure 24(a)(4) permits Ms. Franklin to nonetheless seek leave from the Sixth Circuit Court of Appeals to proceed as a pauper on appeal. *Callihan v. Schneider*, 178 F.3d 800, 803 (6th Cir. 1997). Such a motion must be filed *with the Sixth Circuit*, not with this

Court as the motion presently under consideration was.¹ Accordingly, the Court **ADOPTS** the Report and Recommendation (Doc. 13) and **DENIES** Ms. Franklin's Motion for Leave to Appeal in forma pauperis (Doc. 12) as procedurally improper.

IT IS SO ORDERED.

Dated: April 2, 2025

A handwritten signature in black ink, reading "Jeffery P. Hopkins", written over a horizontal line.

Hon. Jeffery P. Hopkins
United States District Judge

¹ After filing the motion presently under consideration Ms. Franklin filed a motion in the Sixth Circuit to proceed in forma pauperis. *Charlotte Franklin v. Roxann Dieffenbach*, No. 24-4001, Doc. 7.